

APR 21 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHARLES PODARAS,

Plaintiff - Appellant,

v.

CITY OF MENLO PARK; BRIAN
DONNELLAN, Deputy District Attorney;
BURKE BRUTTIG, Officer,

Defendants - Appellees.

No. 10-15200

D.C. No. 3:09-cv-04199-SI

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Susan Illston, District Judge, Presiding

Submitted April 12, 2011**
San Francisco, California

Before: FERNANDEZ and RAWLINSON, Circuit Judges, and WELLS, Senior
District Judge.***

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Lesley Wells, Senior District Judge for the Northern
District of Ohio, sitting by designation.

Charles Podaras appeals the district court's dismissal of his Section 1983 civil rights claim. Podaras contends that the district court erred when it dismissed his claim as time barred.

Because Section 1983 does not provide a limitations period, federal courts look to the forum state's statute of limitations for personal injury torts. Wilson v. Garcia, 471 U.S. 261, 276, 105 S.Ct. 1938, 85 L.Ed.2d 254 (1985); Owens v. Okure, 488 U.S. 235, 249-50, 109 S.Ct. 573, 102 L.Ed.2d 594 (1989). In this instance, the applicable statute of limitations is two years. Cal.Civ.Proc.Code section 335.1; Maldonado v. Harris, 370 F.3d 945, 954 (9th Cir. 2004). Podaras filed too late.

AFFIRMED.